

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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NEIL R. BROWN,

NO. CIV. S 02-1231 MCE GGH

Plaintiff,

v.

**ORDER TO SHOW CAUSE
RE: DISMISSAL**

JOAN PATRICK, et al.,

Defendants.

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On September 28, 2005, this Court issued a Minute Order requiring Plaintiff to file a declaration on or before October 18, 2005 as to the status of this matter. No declaration has been submitted, and review of this matter indicates that no proof of service on the Defendants has ever been filed. In addition, no Joint Status Report including a discovery plan under Federal Rule of Civil Procedure 26(f) has been filed in accordance with the Court's order of June 7, 2002.

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1 Federal Rule of Civil Procedure 4(m) provides that if the
2 summons and complaint is not served on a defendant within 120
3 days after the filing of the complaint, the Court may, upon its
4 own initiative after notice to the plaintiff, dismiss the action,
5 without prejudice. The present case has been pending for more
6 than three years, and Plaintiff has apparently failed to serve
7 any of the defendants, let alone file the required joint status
8 report. Unless Plaintiff demonstrates good cause for this
9 failure, by papers filed not later than twenty (20) days
10 following the date of this Order, the Court will dismiss this
11 action, on its own initiative and without prejudice, for failure
12 to comply with the requirements of Rule 4(m).

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14 IT IS SO ORDERED.

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16 DATED: October 26, 2005

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE